

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, ATF Special Agent Ryan Anderson, being duly sworn, hereby depose and state as follows:

INTRODUCTION

1. Your affiant is a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives herein referred to as (ATF), an agency of the United States Department of Justice. Your affiant has been employed in this capacity since January 2015 and your affiant is currently assigned to the Harrisburg Field Office within the Philadelphia Field Division. Your affiant has a Bachelor of Science degree in Criminal Justice from York College of PA. Prior to my current employment I was a sworn police officer for more than 14 years with the York City Police Department in York County, PA. During my approximately 21 years of law enforcement experience, your affiant has prepared and participated in the execution of numerous search and arrest warrants, which resulted in the recovery of sought-after evidence and the successful prosecution of hundreds of defendants for violations of the law.

2. During my career, your affiant has received training at the Municipal Police Officer Education and Training Commission (M.P.O.E.T.C) in Harrisburg, PA and the Federal Law Enforcement Training Center, also known as (FLETC) in Glynco, GA. Generally, this training focused on instruction of Federal and state criminal statutes, procedures and methods of conducting criminal investigations, preparation and execution of search and arrest warrants, collection of evidence and court preparation. Specifically at FLETC, your affiant received training in the enforcement of the Federal firearm, explosive and arson laws, which included firearm and explosive identification. Your affiant has participated in the use of cooperating informants, undercover agents, pen register/trap and trace devices, video surveillance, GPS tracking devices, search warrants, and audio surveillance, among other law enforcement techniques, in the course of my career with ATF. Additionally, I have participated in controlled buys of firearms, explosives, and narcotics from targets of law enforcement investigations. Based on training and experience, I am familiar with methods used for firearms trafficking, explosive

trafficking, narcotics trafficking, and a variety of means to launder illegal proceeds.

3. The information contained in this affidavit is known to me personally or has been relayed to me by other law enforcement officers, or individuals assisting law enforcement officers, as indicated below. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint for Kenneth CABRERA (DOB 10/16/2002), I have set forth only the facts that I believe are necessary to establish probable cause of violations which occurred within the Middle District of Pennsylvania.

PROBABLE CAUSE

4. On 11/22/2023, your affiant, members of ATF, members of the Pennsylvania State Police (PSP), and members of the York County DTF participated in a suspected firearms trafficking investigation of Kenneth CABRERA.

5. PSP Trooper Penhorwood operates a 3D printing side business that he operates on Facebook Marketplace. On November 18, 2022, CABRERA contacted Trp. Penhorwood via Facebook Messenger using account "CAPALOT" and requested Trp. Penhorwood to start a

project for him. CABRERA identified the part as “a disengage i created” and emailed the 3D print file using email address of Kenneth Rivera<dailyessentials360@gmail.com.

6. Trp. Penhorwood opened the file and immediately identified the part as a 3D printed Glock Autosear that is used to convert a Glock pistol into a machine gun.

7. CABRERA requested (5) test parts be created and advised if they worked he would want many more. CABRERA agreed to pay \$50.00 for the (5) parts.

8. CABRERA asked Trp. Penhorwood if he knew anyone with a CNC machine and referenced the “Ghost Gunner” desktop CNC machine.

9. CABRERA advised “need a lot of stuff printed that i get curiosities about”.

10. Trp. Penhorwood created (5) 3D printed Glock Autosears using the file provided by CABRERA.

11. A controlled purchase was arranged with CABRERA to pick up the parts on 11/22/2022 at the Park and Ride located off the Emigsville exit of Interstate 83 in the Middle District of Pennsylvania.

12. CABRERA arrived at the Park and Ride operating 2007 Toyota Camry sedan bearing Pennsylvania registration LTE9249 and met with PSP Cpl. Anthony Holloway who was working in an undercover capacity. CABRERA provided Cpl. Holloway with \$50.00 in U.S. currency and took possession of the (5) 3D printed Glock Autosears.

13. CABRERA was taken into custody while seated in the driver's seat of his vehicle and between his feet on the floorboard was a recovered loaded .40 caliber, Glock Model 23, S/N BMPD770, loaded and chambered with (21) .40 caliber Smith and Wesson Full Metal Jacket cartridges with an extended magazine. The (5) 3D printed Glock Autosears were recovered in the cup holder of the center console.

14. Based upon the above facts, there is probable cause to believe that CABRERA unlawfully possessed a machinegun in violation of Title 18, United States Code, Section 922(o) and receipt or possession of a firearm transferred in violation of the National Firearms Act of Title 26, United States Code, Section 5841, 5861(d), and 5871.

15. CABRERA then took receipt or possession of (5) 3D printed Glock Autosears, in the Middle District of Pennsylvania, while said

items are not registered to him in the National Firearms Registration and Transfer Record, in violation of Title 26, United States Code, Section 5841, 5861(d), and 5871. Those (5) 3D printed Glock Autosears are also classified as machineguns and the possession is in violation of Title 18, United States Code, Section 922(o) and 924(a)(2).

16. A criminal history check of CABRERA, FBI# L9CRX5CPH, identified CABRERA was arrested on 10/21/2022, Docket# MJ-12105-CR-0000456-2022, for Pennsylvania State Felony violations of Attempted Homicide, Aggravated Assault, Recklessly Endangering Another Person, and Firearms Carried without a license. CABRERA was out on \$50,000 monetary bail following his arraignment on those charges.

17. CABRERA possessed the loaded .40 caliber, Glock Model 23, S/N BMPD770, loaded and chambered with (21) .40 caliber Smith and Wesson Full Metal Jacket cartridges with an extended magazine.